

(2) The cross-examination is limited to the factual statements made in the address to the judge or jury.

(c) (1) A victim or representative has the right not to address the court at sentencing.

(2) A person may not attempt to coerce a victim or representative to address the court at sentencing.

DRAFTER'S NOTE: This section formerly was Art. 27, § 643D of the Code.

There are no changes.

#### 781. VICTIM IMPACT STATEMENT IN PRESENTENCE INVESTIGATION.

[(2) (i)] (A) [The] A presentence investigation THAT IS COMPLETED BY THE DIVISION OF PAROLE AND PROBATION UNDER ARTICLE 41, § 4-609 OF THE CODE shall include a victim impact statement, if:

[1.] (1) The defendant, in committing a felony, caused physical, psychological, or economic injury to the victim; or

[2.] (2) The defendant, in committing a misdemeanor, caused serious physical injury or death to the victim.

[(ii)] (B) If the court does not order a presentence investigation, the State's Attorney may prepare a victim impact statement to be submitted to the court and the defendant in accordance with the Maryland Rules of Procedure pertaining to presentence investigations.

[(iii)] (C) The court shall consider the victim impact statement in determining the appropriate sentence, and in entering any order of restitution to the victim under [Article 27, § 640(c) of the Code] § 807(C) OF THIS SUBTITLE.

[(3)] (D) A victim impact statement shall:

[(i)] (1) Identify the victim of the offense;

[(ii)] (2) Itemize any economic loss suffered by the victim as a result of the offense;

[(iii)] (3) Identify any physical injury suffered by the victim as a result of the offense along with its seriousness and permanence;

[(iv)] (4) Describe any change in the victim's personal welfare or familial relationships as a result of the offense;

[(v)] (5) Identify any request for psychological services initiated by the victim or the victim's family as a result of the offense; and

[(vi)] (6) Contain any other information related to the impact of the offense upon the victim or the victim's family that the court requires.

[(4)] (E) If the victim is deceased, under a mental, physical, or legal disability, or otherwise unable to provide the information required under this section, the